

B16 cont.
R. 663 57. The recombinant adenovirus of claim 56, wherein said foreign gene and said promoter for expressing said foreign gene are inserted in an orientation opposite to the natural transcription orientation of E1A and E1B genes.

58. ~~The recombinant adenovirus of claim 56, wherein said adenovirus genome has a deletion of an E1A gene.~~

R. 663 59. The recombinant adenovirus of claim 56, wherein said foreign gene and said promoter for expressing said foreign gene are inserted in a deletion.

60. A recombinant adenovirus comprising an adenovirus genome having a foreign gene inserted between the termination codons of an E2A gene and an L3 gene.--

REMARKS

Entry of the foregoing and favorable consideration of the subject application, in light of the following remarks, are respectfully requested.

By the present amendment, claims 4-5, 8-11, 13, 15, 18-20, 26, 28, 30-31, 36-37, 40, 42, 45-46, 48-49, 51 and 53-55 were amended to remove multiple dependency and to better comply with the requirements of United States patent practice. Additionally, new claims 56-60 have been added. Support for these new claims can be found throughout the subject application. For example, page 7, line 37, through page 8, line 8, of the specification discloses new replication defective adenoviral vectors whereby all or part of the E2 region is deleted. The specification, on at least page 2, line 38, through page 3, line 4, discloses that the products of the E2 region comprise two transcription units, E2A and E2B. Further, the subject application discloses an exogenous nucleotide sequence placed under the control of suitable expression elements such as a promoter introduced into the adenovirus vector. See, e.g., page 11, line 24, through page 12, line 39, of the specification. Support for the foreign gene and promoter being inserted in an orientation opposite to the natural transcription orientation can be found on, at least page 12, lines 4-5,

and page 13, line 17. Further, the specification discloses the deletion of an E1A gene. See, e.g., page 6, lines 22-24. Therefore, it is believed that no new matter has been added.

The Examiner's attention is drawn to the enclosed Notification Pursuant to 37 C.F.R. § 1.607(c) whereby Applicants indicate that the instant application includes claims directed to the same patentable invention and thus suitable for an interference with U.S. Patent No. 5,700,470 to Saito et al.

In the event that there are any questions relating to this Preliminary Amendment, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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Date: December 22, 1998